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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, March 22, 2012 at 2:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Second-Floor Conference Room A , Cannon Building
APPROVED:	May 11, 2012

MEMBERS PRESENT

Blair Jones, DMD, Professional Member, President
John Lenz, DDS, Professional Member, Secretary
Neil McAneny, DDS, Professional Member
Thomas Cox, DDS, Professional Member
Robert Director, DDS, Professional Member
Joan Madden, RDH, Professional Hygiene Member (left at 5:51)
Cheryl Calicott-Trawick, Public Member (left at 5:51)
Bernadette Evans, Public Member (2:30 – 5:51)
Bonnie Thomas, RDH, Hygiene Advisory Member (2:45 – 5:51)
Debra Bruhl, RDH, Hygiene Advisory Member (left at 5:51)
Buffy Parker, RDH, Hygiene Advisory Member (2:45 – 5:51)

MEMBERS ABSENT

Nathaniel Gibbs, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Davis-Oliva, Deputy Attorney General
Michele Howard, Administrative Specialist II
Sandra Wagner, Administrative Specialist III
Kay Warren, Deputy Director

PUBLIC PRESENT

Dr. Benjamin Gilbert (2:05 – 2:45)
Christopher Iacono
Matt Baran (3:27 – 4:15)

CALL TO ORDER

Dr. Jones called the meeting to order at 2:05 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the February 10, 2012 Board meeting. Dr. Director made a motion, seconded by Dr. McAneny, to approve the minutes of the Board meeting as presented. The motion passed unanimously.

Dr. Jones made a motion, seconded by Dr. Director, to amend the agenda to add item 6.6 "Request for Exception to Licensure Requirements – Dr. David A. Beebe". The motion to amend the agenda passed unanimously.

PROPOSAL TO DENY HEARING – DR. BENJAMIN GILBERT – 2:15 P.M.

BOARD PRESENT: Dr. Blair Jones, Dr. John Lenz, Dr. Neil McAneny, Dr. Robert Director, Dr. Thomas Cox, Joan Madden, Cheryl Calicott-Trawick, Debra Bruhl, Bernadette Evans

PRESIDING: Dr. Blair Jones, President

BOARD COUNSEL: Patricia Davis-Oliva, Deputy Attorney General

BOARD STAFF: Michele Howard, Administrative Specialist II
Sandra Wagner, Administrative Specialist III

RESPONDENT: Dr. Benjamin Gilbert, III

RESPONDENT'S COUNSEL: n/a

RESPONDENT'S WITNESSES: n/a

PUBLIC PRESENT: Christopher Iacono

COURT REPORTER: Juli Labadia, Wilcox and Fetzer

The hearing began at 2:23 p.m. The court reporter took verbatim testimony. DAG Patricia Davis-Oliva and the Board members introduced themselves for the record. Ms. Davis-Oliva questioned, and Dr. Gilbert confirmed that he was aware of his right to legal representation, and chose to proceed without counsel. Ms. Davis-Oliva entered the following Board Exhibits:

Board's Exhibit 1 Documents Submitted with Licensure Application, including:

- 1998 Form 1099-Misc from Pennsylvania BlueShield for Benjamin F Gilbert DDS
- 2002 Form 1099-Misc from Canada Life Group Insurance for Gilbert Dental Ctr
- 2008 Form 1099-Misc from County of Montgomery Controller's Office for Gilbert Dental Center PC
- 2010 Form 1099-Misc from Delta Dental of Minnesota for Gilbert Dental Center PC

Board's Exhibit 2 Letter from Board to Dr. Gilbert Dated 11/16/11

Board's Exhibit 3 Response from Dr. Gilbert Received 12/14/11, including:

- Letter from Dr. Gilbert to Board Dated 12/13/11
- Articles of Incorporation for Gilbert Dental Center PC
- 2008 Combined Tax Statement from Delta Dental of PA to Gilbert Dental Center PC
- 2008 Combined Tax Statement from Delta Insurance Co to Gilbert Dental Center PC
- 2008 Combined Tax Statement from Delta Dental of CA to Gilbert Dental Center PC
- 2008 Form 1099-Misc from Dental Benefit Providers Inc to Gilbert Benjamin F
- 2010 Combined Tax Statement from Delta Dental of NY to Gilbert Dental Center PC
- 2009 Combined Tax Statement from Delta Dental of PA to Gilbert Dental Center PC
- 2009 Combined Tax Statement from Delta Dental Insurance Co to Gilbert Dental Center PC
- 2009 Combined Tax Statement from Delta Dental of CA to Gilbert Dental Center PC
- 2009 Combined Tax Statement from Delta Dental of NY to Gilbert Dental Center PC
- 2009 Combined Tax Statement from Delta Dental of PA to Gilbert Dental Center PC
- 2009 Form 1099-Misc from Dental Benefit Providers Inc to Benjamin F Gilbert III
- 2010 Combined Tax Statement from Delta Dental of PA to Gilbert Dental Center PC
- 2010 Form 1099-Misc from Aetna Life Insurance Co to Benjamin F Gilbert III
- 2010 Combined Tax Statement from Delta Dental Insurance Co to Gilbert Dental Center PC

PROPOSAL TO DENY HEARING – DR. BENJAMIN GILBERT – 2:15 P.M. (CONTINUED)

Board's Exhibit 3 (CONTINUED)

- 2010 Combined Tax Statement from Delta Dental of CA to Gilbert Dental Center PC
- 2010 Combined Tax Statement from Delta Dental Insurance Co to Gilbert Dental Center PC
- 2010 Form 1099-Misc from Blue Cross of CA to Benjamin F Gilbert III
- 2010 Form 1099-Misc from Dental Benefit Providers Inc to Benjamin F Gilbert III
- 2010 Form 1099-Misc from First Commonwealth of Missouri to Benjamin F Gilbert

Board's Exhibit 4 Letter from Board to Dr. Gilbert Dated 12/20/11 & Certified Receipt Confirmation

Board's Exhibit 5 PTD Letter from Board to Dr. Gilbert Dated 1/20/12 & Certified Receipt Confirm

Board's Exhibit 6 Request for PTD Hearing from Dr. Gilbert Dated 1/26/12

Board's Exhibit 7 PTD Hearing Notice to Dr. Gilbert Dated 2/7/12 & Certified Receipt Confirmation

Dr. Gilbert was sworn in by the court reporter. Dr. Gilbert presented the following for the Board's consideration:

Respondent's Exhibit 1 Newspaper articles and 11 letters of reference

Respondent's Exhibit 2 3 years of tax returns

Dr. Gilbert gave testimony. The Board Members questioned Dr. Gilbert, and Dr. Gilbert responded.

The Board went off the record at 2:37 p.m. to deliberate.

The Board went back on the record at 2:42 p.m. Dr. Jones made a motion, seconded by Dr. Director, to approve the dentist licensure of Dr. Benjamin Gilbert III. The motion passed unanimously. The hearing concluded at 2:43 p.m.

PUBLIC HEARING – RULES & REGULATIONS GOVERNING SUPERVISION – 3:15 P.M.

BOARD PRESENT: Dr. Blair Jones, Dr. John Lenz, Dr. Neil McAneny, Dr. Robert Director, Dr. Thomas Cox, Joan Madden, Cheryl Calicott-Trawick, Bernadette Evans, Debra Bruhl, Bonnie Thomas, Buffy Parker

PRESIDING: Dr. Blair Jones, President

BOARD STAFF: Michele Howard, Administrative Specialist II
Sandra Wagner, Administrative Specialist III

BOARD COUNSEL: Patricia Davis-Oliva, Deputy Attorney General

PUBLIC PRESENT: Christopher Iacono

COURT REPORTER: Juli Labadia, Wilcox and Fetzer

PURPOSE: To Consider Public Comment Regarding Proposed Changes to the Board's Rules and Regulations Governing Supervision

The court reporter took verbatim testimony. The Board members introduced themselves for the record. Ms. Davis-Oliva introduced herself and stated the purpose of the hearing. Ms. Davis-Oliva introduced the affidavits of publication from The News Journal and the Delaware State News as Board's Exhibit 1. Ms. Davis-Oliva stated that no written public comment was received by the Board office. There was no public comment.

The Board went off the record for deliberations at 3:20 p.m. The Board went back on the record at 3:21 p.m. Ms. Madden made a motion, seconded by Dr. Jones, to adopt the proposed amendments without revisions. The motion passed unanimously. The hearing concluded at 3:21 p.m.

UNFINISHED BUSINESS

Joint Sunset Committee

Dr. Jones reported that a Joint Sunset hearing has been scheduled for April 26, 2012 at 10:00 a.m. in the JFC Hearing Room of Legislative Hall in Dover, Delaware.

Rules & Regulations

Proof of Active Practice – Review Draft from Ms. Reardon

Practice Requirements for Dentists & Hygienists – Review Draft from Ms. Reardon

Amend Rules 6.7.2.1 and 6.11.2.1 (change March to May)

In Ms. Reardon's absence, these items were tabled until the next Board meeting, currently scheduled for May 11, 2012.

List of Approved Continuing Education Providers for Website – Ms. Howard

Ms. Howard reviewed the draft list of approved continuing education providers for the Board. Dr. Director made a motion, seconded by Dr. McAneny, to propose an amendment to the Board's Rules & Regulations to include AGD-, CERP-, and PACE-approved programs under 6.5.1.1 and 6.9.4.1. The motion passed unanimously. Ms. Howard will add these to the list of approved continuing education providers on the Board's website.

Review Letter from Board to DHSS Regarding HB 144 – Dr. Jones

The Board reviewed the letter to DHSS regarding HB 144. Dr. Jones commented that the process was not progressing very quickly. There was no further discussion.

NEW BUSINESS

Ratification of Licenses/Permits Issued by DPR Since Last Board Meeting

Dental Hygienist

Abbie D. Hopkins

Denise R. Maroney

Jeanne Marie Paoella

Lauren M. Vavala

Restricted Permit II

Puja Balchandani

MaryClare Kubasko

Unrestricted Permit – Individual

Samuel C. Nwogu

Dr. Director made a motion, seconded by Dr. McAneny, to ratify the dental hygienist licensure of Abbie D. Hopkins, Denise R. Maroney, Jeanne Marie Paoella, and Lauren M. Vavala, the Restricted Permit II of Puja Balchandani and MaryClare Kubasko, and the Unrestricted Permit–Individual of Samuel C. Nwogu. The motion passed unanimously.

Review of Applications for Licensure

Dentist Limited Program Director

Susan M. Pugliese, Christiana Care Health System

Dr. Jones reviewed the application of Susan M. Pugliese prior to the Board meeting and recommended that the full Board review and consider the application. After discussion, Dr. McAneny made a motion, seconded by Dr. Director, to approve the Dentist Limited Program Director licensure of Susan M. Pugliese. The motion passed unanimously.

Dentist

Jinwoo Park

Dr. Jones reviewed the dentist application of Jinwoo Park prior to the Board meeting and recommended that the full Board review and consider the application. After discussion, Dr. Director

made a motion, seconded by Ms. Madden, to approve the dentist licensure of Jinwoo Park. The motion passed unanimously.

Requests for CE Exceptions

Lisa Applegate – Medical Exemption

The Board reviewed the request for a medical exemption of CE from Lisa Applegate. After discussion, Dr. Jones made a motion, seconded by Dr. Director, to grant Ms. Applegate an extension thru 12/31/12 contingent upon a letter from her physician confirming her medical condition. The motion passed unanimously. A letter will be mailed to Ms. Applegate advising her of the Board's decision, and will include the contact information for ADHA and a reminder that licensees may earn a specific number of CE hours through online courses.

Dr. Cynthia Minsk – Medical Exception

The Board reviewed the request for a medical exception of CE from Dr. Cynthia Minsk. After discussion, Dr. McAneny made a motion, seconded by Ms. Madden, to request an updated letter from Dr. Minsk's physician, certificates of completion for 50 online CEUs, and proof that she has an active CPR certification. Once the requested documentation is received, the Board will re-review Dr. Minsk's request for a medical exception of CE and make a final decision. The motion passed unanimously.

Dr. Jerome Kayatta – CE Adjustment Period

The Board reviewed a letter from Dr. Jerome Kayatta stating his objection to the current continuing education period. Dr. Kayatta believes that the Board's recent change to its Rules and Regulations regarding the period for continuing education is unfair and that the Board should allow an adjustment period. After discussion, Dr. McAneny made a motion, seconded by Dr. Jones, to deny any requests for a CE adjustment period. The motion failed with Dr. Jones, Dr. McAneny, Dr. Director, and Dr. Cox in favor, and Ms. Calicott-Trawick, Dr. Lenz, Ms. Madden, Ms. Evans, Ms. Bruhl, and Ms. Thomas opposed. Ms. Parker abstained from the vote.

Ms. Calicott-Trawick made a motion, seconded by Ms. Madden, to allow a CE adjustment period from March 1, 2012 through May 31, 2012. Any CE credit earned during the adjustment period may be credited towards either the 2010-2012 licensure period or the 2012-2014 licensure period. If a licensee is audited for the 2012-2014 licensure period, and requests CE credits for courses taken during the adjustment period (3/1/12 – 5/31/12), then the licensee must submit satisfactory proof (i.e. certificates of completion) for both the 2010-2012 licensure period as well as the 2012-2014 licensure period, so that the Board may confirm that credits earned during the adjustment period have not been duplicated. Dr. Director recommended adding a notice to the Board's website and noticing DSDS and DDHA. Ms. Warren stated that the Division will send an email to all licensees. The motion passed by a majority vote, with Dr. McAneny opposed.

Elect New Board Representative for DIDER – Dr. Lenz

Dr. Lenz stated that he would like to step down as the Board's representative for DIDER and asked if any other professional Board Members would be interested in serving on DIDER. Dr. McAneny made a motion, seconded by Dr. Lenz, to elect Dr. Cox as the Board's new representative for DIDER. The motion passed unanimously.

The Board took a break at 3:48 p.m. and reconvened at 4:00 p.m.

EXECUTIVE SESSION

After the break, Dr. Jones made a motion, seconded by Ms. Madden, to enter Executive Session at 4:00 p.m. for an informal meeting with exam candidate, Matt Baran. The motion to enter Executive Session passed unanimously.

After meeting with Mr. Baran, the Board came out of Executive Session at 4:15 p.m. (Executive Session was held again at the end of the meeting.)

Consent Agreements

Dr. Bruce Fay, Complaint 09-03-10 (Dr. Lenz recused)

Ms. Davis-Oliva read aloud the second Consent Agreement proposed between the State and Dr. Bruce Fay regarding complaint 09-03-10. After discussion, Dr. Jones made a motion, seconded by Ms. Evans, to accept the second Consent Agreement between the State and Dr. Bruce Fay. The motion passed by a majority vote with Ms. Calicott-Trawick, Dr. Cox, Dr. McAneny, Dr. Jones, Ms. Madden, and Ms. Evans in favor, Dr. Director opposed, and Dr. Lenz recusing himself from the vote.

Dr. Marieve O. Rodriguez, Complaint 09-16-10 (Dr. Jones recused)

Ms. Davis-Oliva read aloud the second amended complaint and proposed Consent Agreement between the State and Dr. Marieve O. Rodriguez regarding complaint 09-16-10. Dr. Director stated that he had been contacted as a potential witness for the prosecution of Dr. Rodriguez's criminal case. Ms. Davis-Oliva questioned Dr. Director's knowledge of the case, and whether he felt he should recuse himself from the discussion and vote. Dr. Director stated he did not feel it was necessary to recuse himself based on his limited knowledge of the case. After discussion, Dr. Director made a motion to reject the Consent Agreement between the State and Dr. Marieve O. Rodriguez for being unduly harsh. After discussion, Dr. Director withdrew his motion. After further discussion, Ms. Madden made a motion, seconded by Ms. Evans, to accept the Consent Agreement. The motion passed by a majority vote with Dr. Jones recusing himself.

Request for Exception to Licensure Requirements – Dr. David A. Beebe

The Board reviewed the request from Dr. Beebe. After discussion, Dr. Jones made a motion, seconded by Ms. Evans, to deny Dr. Beebe's request for an exception to the dentist licensure requirements because the Board does not have the authority to waive the statutory requirements for licensure. The motion passed unanimously.

COMPLAINT STATUS

Complaint 09-15-11 (Jones)

Dr. Jones reported that Complaint 09-15-11 had been forwarded to the Attorney General's office.

Complaint 09-01-12

Complaint 09-02-12

Complaint 09-03-12

Complaint 09-04-12

Dr. Jones reported that he had been assigned as the Board Contact for Complaints 09-01-12, 09-02-12, 09-03-12, and 09-04-12.

Complaint 09-05-12

Dr. Jones reported that Dr. Director had been assigned as the Board Contact for Complaint 09-05-12.

CORRESPONDENCE

Email from Dr. Jeffrey Cole Re AGD Transcripts

Dr. Jones summarized the email he received from Dr. Cole regarding the Board's reconsideration to accept AGD transcripts in lieu of certificates of completion. After discussion, the Board decided to invite Dr. Cole to the May 31st Board meeting for a presentation before the entire Board. Dr. Jones will contact Dr. Cole.

OTHER BUSINESS BEFORE THE BOARD (for discussion only) - None

PUBLIC COMMENT - None

EXECUTIVE SESSION

Dr. McAneny made a motion, seconded by Ms. Madden, to re-enter Executive Session at 5:28 p.m. to address the following:

1. Review of Clinical Revalidations by Temple University – Dental Hygiene Exam
2. Review of Hygiene Exam Instructions Given During the Orientation Period – Dr. McAneny

The motion to re-enter Executive Session passed unanimously. Executive Session ended at 5:49 p.m.

Dr. Jones made a motion, seconded by Dr. Director, to approve the clinical revalidation by Temple University of the dental hygiene examination as amended without further review. The motion passed unanimously.

Dr. Jones made a motion, seconded by Dr. McAneny, to approve the hygiene exam instructions given during the orientation period as amended without further review. The motion passed unanimously.

The hygienists and public members left the meeting at 5:51 p.m.

Dr. Jones made a motion, seconded by Dr. McAneny, to re-enter Executive Session at 6:00 p.m. The motion to re-enter Executive Session passed unanimously. The purpose of the Executive Session was to address the following:

1. Review of Clinical Revalidations by Temple University – Dental Exam
2. Review of Dental Exam Instructions Given During the Orientation Period – Dr. McAneny

Executive Session ended at 7:23 p.m.

Dr. Jones made a motion, seconded by Dr. Director, to approve the clinical revalidation by Temple University of the dental examination as amended without further review. The motion passed unanimously.

Dr. Jones made a motion, seconded by Dr. Director, to approve the dental exam instructions given during the orientation period as amended without further review. The motion passed unanimously.

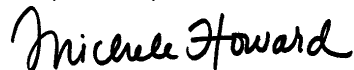
NEXT MEETING

The next Board meeting will be **Friday, May 11, 2012, at 10:00 a.m.** at the **University of Delaware's Virden Center** located in **Lewes, DE**

ADJOURNMENT

There being no further business to discuss, Dr. Jones made a motion, seconded by Dr. Director, to adjourn the meeting at 7:24 p.m. The motion to adjourn passed unanimously.

Respectfully Submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.